

United States District Court

MAY 15 2012

for the

WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Petition for Warrant or Summons for Offender Under Supervision

BY  DEPUTY CLERK

Name of Offender: Ninfa Silva Leal

Case Number: DR-06-CR-817(3)

Name of Sentencing Judicial Officer: Honorable Alia Moses, United States District Judge

Date of Original Sentence: April 17, 2007

Date of First Revocation: March 30, 2010

Original Offense: 21 U.S.C. § 841(a)(1)&(b)(1)(B)&846 - Conspiracy to Possess With Intent to Distribute Marijuana

Original Sentence: 24 months imprisonment, 5 year term of supervised release.

Revocation Sentence: 18 months imprisonment, 5 year term of supervised release.

Type Of Supervision: Supervised Release

Date Supervision Commenced: May 12, 2011

Assistant U.S. Attorney: Robert Brady

Defense Attorney: Javier Riojas

PREVIOUS COURT ACTION

On March 30, 2010, the offender's term of supervised release was revoked to 18 months imprisonment followed by a 5 year term of supervised release. The offender's second term of supervised release commenced on May 12, 2011.

PETITIONING THE COURT

X To issue a WARRANT.

 To Issue a WARRANT and TRANSFER JURISDICTION to the Western District of Texas.

 To issue a SUMMONS

The probation officer believes the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1.	<u>Mandatory Condition No. 1:</u> "The defendant shall not commit another federal, state, or local crime during the term of supervision."
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Mandatory Condition No. 2: "The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court."

Standard Condition No. 7: "The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician."

On April 13, 2012, a Haltom City Police officer conducted a traffic stop, and spoke to the driver, Ocie Martinez, who advised he was traveling from Del Rio, Texas. He stated he was going to a residence in the area of NE 28th in Fort Worth. Martinez stated he was looking for a hotel and was unable to give specific details on why he was traveling east of his original destination. He further stated he was planning on staying in Fort Worth for a "couple of days". Martinez appeared nervous and was trying to separate himself from the car. The police officer asked Martinez, if the car belonged to him. Martinez reported the vehicle belonged to the passengers in the back seat. The officer requested consent to search the vehicle, Martinez replied it wasn't his car. While speaking with Martinez, the officer detected a strong odor, of a fabric softener sheet, usually used as a masking agent for marijuana. The passengers were identified as Jorge Martinez, his wife Heather, and the offender Ninfa Silva Leal. When questioned, Jorge Martinez stated they were going to Fort Worth, and was unable to give specifics as to where in Fort Worth. He stated the vehicle belonged to him and his wife. He consented to have the vehicle searched. The officer conducted a search of the vehicle's trunk and observed two large black duffle bags. The zippers were tied together with a black cord. The first bag contained miscellaneous clothing and numerous plastic wrapped bundles. The police officer cut into one of the bundles which revealed a green leafy substance to be consistent with that of marijuana. The bundles were wrapped in multiple layers of clear plastic with fabric softener sheets layered between the plastic. The second bag was opened, and the officer observed clothing and additional marijuana bundles. The two black bags contained a total of 50 bundles of marijuana, forty-six of the bundles had a gross weight of 1.5 pounds each and four of the bundles had a gross weight of 2.5 pounds. The offender, along with her companions, were arrested and charged with the offense of Possession of Marijuana over 50 pounds, but less than 2,000 pounds.

2. **Standard Condition No. 1: "The defendant shall not leave the judicial district without permission of the Court or probation officer."**

The offender was arrested in Haltom City, Texas. She did not have permission to travel outside the Western District of Texas.

3. **Standard Condition No. 11: "The defendant shall notify the Probation Officer within seventy-two hours of being arrested or questioned by a law enforcement officer."**

The offender failed to report her arrest from April 13, 2012 for Possession of Marijuana over 50 pounds but less than 2,000 pounds.

U.S. Probation Officer Recommendation:

The offender commenced her 5 year term of supervised release on May 12, 2011. The offender remains involved in illegal criminal activity, drug possession. The offender does not seem to take her term of supervised release seriously. It is respectfully recommended, the offender's term of supervised release be revoked.

The term of supervision should be

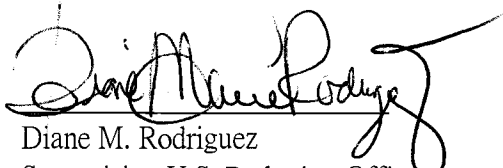
 X revoked. (Maximum penalty: 5 years imprisonment; Up to Life supervised release; and payment of any unsatisfied monetary sanction previously imposed).

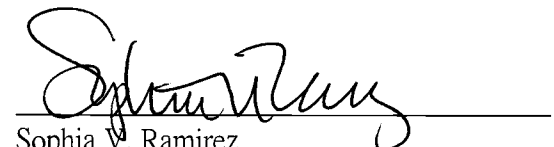
 Extended for years, for a total term of years.

 The conditions of supervision should be modified as follows:

Approved:

Respectfully Submitted,


Diane M. Rodriguez
Supervising U.S. Probation Officer


Sophia V. Ramirez
U.S. Probation Officer,
Date: May 10, 2012
Telephone #: 830-703-2089, ext. 243

cc: Suzan R. Contreras
ADCUSPO, San Antonio

Approved:


Erica B. Giese
Assistant U.S. Attorney


THE COURT ORDERS

☐ No Action

☒ The issuance of a WARRANT. Bond is set in the amount of \$ Retain cash
/surety with supervision by the United States Probation Office to continue as a condition of release.

☐ The issuance of a SUMMONS.

☐ Other


Alia Moses
United States District Judge

5/15/12
Date